



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

16

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,184	07/23/2001	Peter David Stokes	24615.00300	2589

7590 09/11/2002

Malcolm B. Wittenberg
Crosby, Heafey, Roach & May
P.O. Box 7936
San Francisco, CA 94120-7936

EXAMINER

TON, ANABEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,184

Applicant(s)

STOKES ET AL.

Examiner

Anabel M Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 21-31 and 33-35 is/are rejected.
- 7) ☒ Claim(s) 9-20 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodle (6,276,634).
3. With regards to method claims 1-9, Bodle discloses the structural limitations. Since the method claims are claimed broadly, Bodle is considered to encompass the method of assembling the photoluminescent device as recited.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2875

5. Claims 21-31, 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Boodle.

6. Boodle discloses a photoluminescent track for an emergency lighting system comprising an elongate hollow outer member having first and second major wall portions connected by opposed side wall portions to define a longitudinally extending slot, and an elongate inner member extending lengthwise of said slot and having photoluminescent material on one side covered by one of said major wall portions of said outer member, wherein said inner member is a push-fit from one end of said slot for assembly of said track, and said one major wall portion of said outer member is made of a material to transmit light emitted by said photoluminescent material (figs 1-3 and 6); a closure is attached to said outer member to seal said slot and retain said inner member within said outer member (fig 6); the closure comprises an end cap that can be removed if it is desired to remove said inner member (63); the inner member is the same or substantially the same length as said outer member (fig 6); the outer member is made of transparent or translucent plastics material; the outer member is symmetrical enabling said outer member to be laid either way up (fig 6); the major wall portions of said outer member have substantially planar outer surfaces (fig 6); the outer surface of at least that major wall portion overlaying said photoluminescent material is provided with formations having anti-slip characteristics (fig 6); the formations are restricted to side edge regions of said outer surface (fig 6); the assembled track is subjected to a post forming operation to compress said outer member in a direction transverse to the

• Art Unit: 2875

length and thereby reduce the depth of said track; a photoluminescent track extending along each side of said aisle at or near floor level, at least one row including a demountable multi-seat unit on at least one side of said aisle such that the width of said aisle may be altered by fitting any selected one of a plurality of demountable multi-seat units of different width, wherein a photoluminescent track is provided on that side of the multi-seat unit which, in use, is arranged adjacent to said aisle (figs 4 and 6)

Allowable Subject Matter

7. Claims 9-20, 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not show the following:

- The track can be laid to present either one of two major surfaces of said outer member uppermost with said photoluminescent material of said inner member disposed to emit light through said uppermost surface.
- The inner member has photoluminescent material on one side only and is reversible to present said photoluminescent side uppermost in both orientations of said track;
- The inner member has photoluminescent material on both sides.
- The outer member is compressed in a direction transverse to its length after said inner member has been inserted to reduce the depth of said track.

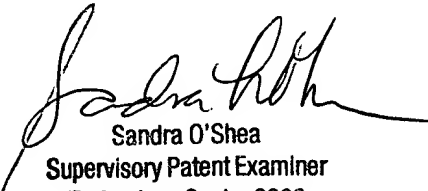
Art Unit: 2875

- The assembled track is passed between a pair of pressure rollers engaging said top and bottom surfaces of said outer member.
- The compression is applied across the full width of said track.
- The compression is restricted to side edge regions of said track.
- The track is pre-heated prior to compressing said outer member.
- The track is cold formed by compressing said outer member without pre-heating.
- Applying formations to the surface of said track on at least one side when compressing said outer member.
- The formations comprise ribs in the surface of said outer member.
- The formations are decorative and/or provide said track with an anti-slip surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

Application/Control Number: 09/911,184

Page 6

. Art Unit: 2875

Anabel M Ton
Examiner
Art Unit 2875

AMT
September 9, 2002